

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICK L. SOLOMON, #214643,

Plaintiff,

v.

CASE NO. 05-CV-60195-AA

DENNIS HALEY, MICHAEL HALEY,  
HOWARD YOUNG, MICHAEL FISHMAN,  
RALPH RADER, ANTHONY TROGAN, JR.,  
DAVID ROGERS, MICHAEL UMPHREY,  
PETE MOONEY, WILLIAM SHEDD,  
JOHN LINDHOLM, DAVID LAWSON,  
DONALD ROBERTSON, JOHN TUCKER,  
RANDALL S. GREGG, and  
MICHAEL GRANT,

HONORABLE JOHN CORBETT O'MEARA  
MAGISTRATE JUDGE VIRGINIA M. MORGAN

Defendants.

ORDER

(1) VACATING THE COURT'S ORDER DATED MARCH 16, 2006,  
(2) WAIVING PREPAYMENT OF THE FILING FEE, AND  
(3) DIRECTING PAYMENT OF THE INITIAL PARTIAL FILING FEE  
AND SUBSEQUENT PAYMENTS

This is civil case filed by an indigent prisoner. On March 16, 2006, the Court granted *in forma pauperis* status and directed the Clerk of Court to serve a copy of the complaint on the defendants. Section 1915(a)(3)(b)(1) of Title 28, United States Code, provides that, "if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee." The Court must assess and, if funds exist, collect an initial partial filing fee, consisting of twenty percent (20%) of the greater of (1) the average monthly deposits to the plaintiff's account, or (2) the average monthly balance in the plaintiff's account for the preceding six (6) months. *Id.*

With this statute in mind, the Court **VACATES** its previous order, including the provision directing service of the complaint on the defendants, and **GRANTS** Plaintiff leave to proceed without prepayment of the filing fee for this action. The initial partial filing fee in this case is **\$9.00**. After Plaintiff pays the initial partial filing fee, he must make monthly payments of twenty percent (20%) of

the preceding month's income credited to Plaintiff's account. 28 U.S.C. § 1915(b)(2).

The Court **ORDERS** the agency having custody of Plaintiff to: (1) withdraw or set aside the initial partial filing fee from Plaintiff's trust fund account; (2) forward this amount to the Clerk of Court within thirty (30) days of the date of this order; and (3) in subsequent months, or from time to time, forward payments of twenty percent (20%) of the preceding month's income credited to Plaintiff's account to the Clerk of Court until Plaintiff has paid the entire filing fee of \$250.00. The Court will notify the agency having custody of Plaintiff when Plaintiff has paid the entire filing fee. At a future time, and without further notice, the Court will screen Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A.

s/John Corbett O'Meara  
John Corbett O'Meara  
United States District Judge

Dated: March 22, 2006

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**CERTIFICATION**

I certify that, on the date indicated below, I mailed a copy of this order to Plaintiff by first class mail.

Dated: 3/22/06

s/Denise Goodine  
Deputy Clerk

